

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
§
VS. § MAGISTRATE ACTION NO. C-08-732
§
§ HILDA ELISA BENAVIDEZ-VALDEZ §

**MEMORANDUM OPINION AND ORDER OF DETENTION REGARDING
MATERIAL WITNESS MENDIOLA-BETANCOURT**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). There is a serious risk that the material witness, Juan Jose Mendiola-Betancourt, will not appear for court as required.

There is probable cause to believe the witness is material to the proceedings in this case. The findings and conclusions contained in the Pretrial Services Report are adopted. The witness is a citizen of Mexico and has the status of a legal permanent resident in the United States. His wife and children live in Mexico. He works in the United States for a few weeks at a time and stays with friends. Although he has two sisters living in the United States, he does not maintain regular contact with them. He admits to abusing both alcohol and marihuana. The government's motion for detention is granted, but without prejudice to the witness's ability to re-open the proceedings at any time if he can produce a co-surety, a third-party custodian, and acceptable living arrangements. The matter of the witness's detention will be re-visited at the status conference currently scheduled for Thursday, October 23, 2008 at 10:30 a.m.

The material witness is committed to the custody of the Attorney General or his

designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 8th day of October, 2008.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE